

Serial No.: 10/550,070
Examiner: Benjamin M. Kurtz
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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 1 has been revised. Support for the revisions can be found at, e.g., page 9, lines 19-25 of the specification, and Figs. 1A-C and 4B, among other places. Claims 1-16 remain pending in the application. Claims 14-16 have been withdrawn. Applicants note that the Office Action Summary Sheet lists only claims 1-13, rather than claims 1-16, as pending.

Claims 1-13 are rejected under 35 USC § 103(a) as being unpatentable over Esmond (US 3,827,562), Kruse et al. (US 4,617,122), Wachter et al. (US 3,873,288) and Strnad (US 4,133,661). Applicants respectfully traverse this rejection.

Claim 1 requires a filter that is arranged so as to partition a cavity of a housing into a dome portion side and a bottom portion side, with pleats extending across a filter retaining portion. Claim 1 also requires an inlet that is provided on a lateral portion of the dome portion so as to allow blood to flow into the dome portion horizontally and along an inner wall of the dome portion. Claim 1 further requires an outlet extending in a horizontal direction including a center of a bottom portion.

The positioning of the filter, the inlet and the outlet helps form a smooth stream of a priming solution, which effectively expels air bubbles from a filter surface. This advantageously suppresses generation of air bubbles in the blood filter device (see, e.g., pages 24-27 of the specification, among other places.).

Esmond fails to teach or suggest an outlet extending in a horizontal direction including a center of a bottom portion, as required by claim 1. In fact, as clearly shown in Figs. 1 and 3, the outlet of the filter device 20 is positioned vertically in Esmond, but not extending in a horizontal direction as required by claim 1. Kruse et al., Wachter et al. and Strnad do not remedy the deficiencies of Esmond. Nor does the present record provide any teachings or suggestions of an outlet extending in a horizontal direction including a center of a bottom portion as required by claim 1.

For at least these reasons, claim 1 is patentable over Esmond, Kruse et al., wachter et al. and Strnad. Claims 2-13 depend ultimately from claim 1 and are patentable

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along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 1-13 are rejected under 35 USC § 103(a) as being unpatentable over Graus (US 6,143,174), Haworth et al. (US 5,651,765), Esmond, Kruse et al., Wachter et al. and Strnad. Applicants respectfully traverse this rejection.

Graus likewise fails to teach or suggest an outlet extending in a horizontal direction including a center of a bottom portion, as required by claim 1. In fact, as clearly shown in Fig. 1, the outlet of the filter unit 1 is positioned vertically in Graus, but not extending in a horizontal direction as required by claim 1. Haworth et al., Esmond, Kruse et al., Wachter et al. and Strnad do not remedy the deficiencies of Graus. Nor does the present record provide any teachings or suggestions of an outlet extending in a horizontal direction including a center of a bottom portion as required by claim 1.

For at least these reasons, claim 1 is patentable over Graus, Haworth et al., Esmond, Kruse et al., Wachter et al. and Strnad. Claims 2-13 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

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In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

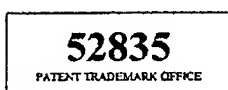
Respectfully submitted,

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Dated: September 4, 2009

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